

# 11

Practitioner's Docket No. 082771.P259**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Luciani

Application No.: 09/429,047

Group No.: 2697 CONFIRMATION NO. 5463

Filed: 10-29-1999

For: Method for Improving  
Signalizing Efficiency and Performing  
Service Load Balancing in a Connection  
Oriented Network

Examiner: Yvonne Quy M. Ha

Date of mailing "Notice of Allowance and  
Base Issue Fee Due" 5/6/03Batch No. N/AMail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**FAX RECEIVED**

OCT 03 2003

**PETITIONS OFFICE****PETITION FOR WITHDRAWAL FROM ISSUE—ISSUE FEE PAID**  
(37 C.F.R. § 1.313(c))

NOTE: "Any petition filed under 37 C.F.R. 1.313(b) to withdraw an application from issue after payment of the issue fee should be clearly marked "Petition under 37 C.F.R. 1.313(b)" and be either submitted by facsimile or hand-carried to the Office of Petitions (see M.P.E.P. § 1730 for the facsimile number and location)." M.P.E.P., § 1308, 8th Edition.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 \*

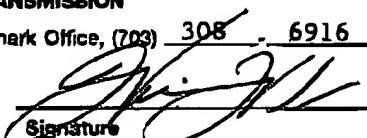
with sufficient postage as first class mail.

 as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

facsimile transmitted to the Patent and Trademark Office, (703) 308 - 6916

  
SignatureDate: 10-3-03WILLIAM W. SCHAALE, Reg. No. 39,018

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.8(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [9-33]—page 1 of 2)

**NOTE:** In the Notice of May 9, 2000 "Patents to Issue within Twelve Weeks after Satisfaction of All Outstanding Requirements, Including Issue Fee Payment and Corrected Drawings" [OG, May 9, 2000, page 39] the PTO pointed out the following:

The USPTO implemented the new patent publication system. . . . Under this current patent publication system, the electronic capture of most of the information to be printed on the patent begins soon after the allowed application is received in the Office of Patent Publication, in advance of the satisfaction of outstanding requirements, i.e., issue fee and drawings. The application file is not available for any further processing during this initial electronic capture process. In order to implement the new publication system efficiently, the USPTO encourages applicants to take steps to minimize disruptions in the printing process. The USPTO encourages applicants to file items such as amendments, information disclosure statements, petitions, and corrected or formal drawings as soon as possible during examination of patent applications instead of during the post-allowance time frame. If papers are filed after allowance, please allow at least six weeks after the Notice of Allowance and Issue Fee Due has been received before inquiring about any post allowance correspondence.

## PETITION

1. Applicant hereby petitions for the withdrawal of this application from issue.

## PATENT ISSUE FEE

2. The issue fee for this case has been paid on 8-6-03

(complete the following if known)

This application is scheduled to

- issue on 10-7-03.  
 as patent 6,631,129

## REASON(S) FOR WITHDRAWAL REQUEST

**NOTE:** "Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except (1) Unpatentability of one or more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable; (2) Consideration of a request for continued examination in compliance with § 1.114; or (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application." 37 C.F.R. § 1.313(c).

3. The reason for the request for withdrawal from issue is:

(check applicable item(s) below)

- one or more of the claims are unpatentable.
- consideration of a request for continued examination under § 1.114.\*
- for express abandonment to permit consideration of an information disclosure statement under § 1.97 in a continuing application.
- for express abandonment in favor of a continuing application.

Further details as to the reason(s) for this withdrawal request are set forth on the attached \_\_\_\_\_ sheet(s).

\*Submitted under separate cover via U.S. mail.

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [9-33]—page 2 of 2)

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

130.00

Complete if Known

Application Number	09/429,047
Filing Date	October 29, 1999
First Named Inventor	James V. Luciani
Examiner Name	FAX RECEIVED
Office of Petitions	OCT 03 2003
Group/Art Unit	2697
Attorney Docket No.	82771P259

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None  
 Deposit Account

Deposit Account Number **02-2666**Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.1B and 1.20.  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account!

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Paid
Fee Code	\$	Fee Code	\$	
1001	770	2001	385	Utility filing fee
1002	340	2002	170	Design filing fee
1003	530	2003	285	Plant filing fee
1004	770	2004	385	Reissue filing fee
1005	160	2005	80	Provisional filing fee
SUBTOTAL (1)		(\$)		

## 2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			20*	=	
			3	=	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	\$	Fee Code	\$		
1202	18	2202	9	Claims in excess of 20	
1201	85	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple Dependent claim, if not paid	
1204	68	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)		(\$)			

\*or number previously paid, if greater. For Reissues, see below

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
1051	130	2051 85 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
2053	130	2053 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1804	920*	1804 920 * Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840 * Requesting publication of SIR after Examiner action	
1251	110	2251 55 Extension for reply within first month	
1252	420	2252 210 Extension for reply within second month	
1253	950	2253 475 Extension for reply within third month	
1254	1,480	2254 740 Extension for reply within fourth month	
1266	1,210	2266 805 Extension for reply within fifth month	
1404	330	2401 165 Notice of Appeal	
1402	330	2402 165 Filing a brief in support of an appeal	
1403	290	2403 145 Request for oral hearing	
1451	1,510	2451 1,510 Petition to institute a public use proceeding	
1452	110	2452 55 Petition to revive - unavoidable	
1453	1,330	2453 665 Petition to revive - unintentional	
1501	1,330	2501 665 Utility issue fee (or release)	
1502	480	2502 240 Design issue fee	
1503	840	2503 320 Plant issue fee	
1480	130	2480 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806 180 Submission of Information Disclosure Stmt	
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
1809	770	1809 385 Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810 385 For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801 385 Request for Continued Examination (RCE)	
1802	800	1802 900 Request for expedited examination of a design application	
Other fee (specify)			
SUBTOTAL (3)		(\$)	130.00

\*Reduced by Basic Filing Fee Paid

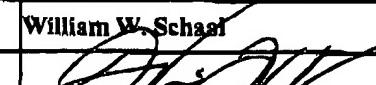
SUBTOTAL (3)

(\$)

130.00

Complete if applicable

## SUBMITTED BY

Name (Print/Type)	William W. Schaeff	Registration No. (Attorney/Agent)	39,018	Telephone	(714) 557-3800
Signature				Date	10/03/03

Based on PTO/SB/17 (08-03) as modified by Blakely, Sokoloff, Taylor & Zafman (W) 08/11/2003.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**

TELEPHONE: (714) 557-3800

INTELLECTUAL PROPERTY LAW  
3200 PARK CENTER DRIVE, SUITE 750  
COSTA MESA, CA 92626

FACSIMILE: (714) 557-3347

**FACSIMILE COVER SHEET****URGENT**Deliver to: Office of Petitions, USPTOArt Group: 2697Facsimile No.: 703-308-6916Date: October 3, 2003From: William W. Schaal, Reg. No. 39,018Our Docket No.: 82771P259Number of pages 6; including this sheet.Application No.: 09/429,047Filing Date: 10/29/1999Docket Due Date(s):                 |                

Enclosed are the following documents:

- Amendment: \_\_\_\_\_
- Appeal Brief (in triplicate) ( \_\_\_\_ pgs)
- Application: \_\_\_\_\_  
( \_\_\_\_ pgs) w/cover & abstract)
- Assignment & Cover Sheet ( \_\_\_\_ pgs)
- Certificate of \_\_\_\_\_
- Continued Prosecution Application (CPA)
- Declaration & POA ( \_\_\_\_ pgs)
- Drawings: \_\_\_\_ sheets, \_\_\_\_ figures
- Extension of Time: \_\_\_\_\_
- Fee Transmittal (in duplicate)
- IDS & PTO/SB/08 ( \_\_\_\_ pgs)
- Other \_\_\_\_\_

- Issue Fee Transmittal
- Notice of Appeal
- Petition for: Withdrawal from Issue
- Request for Continued Examination (RCE)
- Reply Brief ( \_\_\_\_ pgs)
- Request & Certification Under 35 USC 122(b)(2)(B)(i)
- Request to Rescind Previous Nonpublication Request
- Response to Notice of Missing Parts & Formalities Letter
- Response to Written Opinion ( \_\_\_\_ pgs)
- Terminal Disclaimer
- Transmittal of Publication Fee Due
- Transmittal Letter

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.84)**

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

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*C. R. Reynolds* 10/3/2003  
Corriann R. Reynolds Date

OCT 03 2003

PETITIONS OFFICE

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**TRANSMITTAL FORM**

(to be used for all correspondence after initial filing)

		Application No.	09/429,047
		Filing Date	October 29, 1999
		First Named Inventor	James V. Luciani
		Art Unit	2697
		Examiner Name	Office of Petitions
Total Number of Pages in This Submission	6	Attorney Docket Number	82771P259

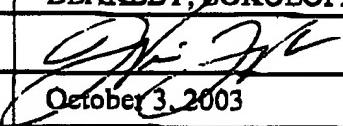
**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Fax Cover Sheet
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**FAX RECEIVED**

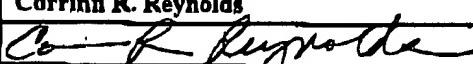
OCT 03 2003

**PETITIONS OFFICE****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	William W. Schaal, Reg. No. 39,018 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	October 3, 2003

**CERTIFICATE OF MAILING/TRANSMISSION**

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Typed or printed name	Corrinn R. Reynolds
Signature	
Date	October 3, 2003

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